

REMARKS

With this Response claims 1 and 56 are amended. Claims 72-75 are added. Therefore, claims 1, 30, 32-50, 52-57, and 59-75 are pending.

Claim Amendments

Applicants note that support for the claim amendments to claim 1 is found, for example, in the Specification at pages 10 to 11. Support for the claim amendments to claim 56 is found, for example, in the Specification at pages 8 to 9.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 55, and 56

Claims 1, 55, and 56 were rejected under 35 U.S.C. § 103(a) as being unpatentable over (*TechShopper*) in view of U.S. Patent No. 6,131,087 issued to Luke (*Luke*). Applicants respectfully submit that these claims are not rendered obvious by the cited references for at least the following reasons.

Claim 1 recites the following:

receiving a set of product attributes **denoting a customer's desired product configuration and flexibility constraints corresponding to one or more of the product attributes, wherein the flexibility constraints indicate a customer-designated priority for the corresponding one or more product attributes;**

automatically transmitting an automatically prepared request for quote (RFQ) to an automatically selected set of sellers, the sellers selected based at least in part on the sellers having the general product of the desired product configuration, the RFQ including at least a subset of the received set of product attributes and corresponding flexibility constraints; and

notifying the requesting customer upon receipt of quotes in response to the transmitted RFQ.

Claims 55-56 similarly recites a customer's desired product configuration and flexibility constraints indicating a customer-designated priority.

The Office Action at page 3 asserts an interpretation of the claims based on dictionary definitions of the words "priority" and "prefer." Whether or not the interpretation of these words and the resulting interpretation of the claims is correct, which Applicants do not concede, the cited references fail to provide support for the rejection in the Office Action. In short, the rejection is based on an interpretation not supported by the references.

The Office Action at page 3 asserts that *Luke's* "dimension" discloses a product attribute, as recited in the claims. Applicants traverse this assertion. *Luke* discusses its "dimensions" at col. 5, line 60 to col. 6, line 11, which states in part:

Offer data and solicitation data can involve buying or selling tangible goods, services, requests for proposals, requests for quotes, etc.; and can contain **the following dimensions: a function identifier, a party identifier, a delivery destination, a product identifier, a price, a payment date, and an offer origination date.** These components are expressed in numeric terms **on a linear scale.** Emphasis added.

Thus, the only possibilities mentioned for "dimensions" refer to the service associated with the transaction (as part of the offer/solicitation data defining the sale) of the goods or services, meaning the conditions of the transaction. See also col. 3, lines 40 to 42 ("providing a system of matching and bargaining based on the many **variable dimensions of a transaction** between market participants," emphasis added). The mention of "dimensions" in the reference fails to disclose or suggest attributes of a product, as recited in the claims. The range limits mentioned in *Luke* are understood in light of the above discussion to be bounds on the **manner** in which the transaction itself is engaged in, and fail to disclose or suggest **flexibility constraints corresponding to attributes of a product.** Therefore, the reference fails to provide support for these assertions in the Office Action, and fails to disclose or suggest at least this element of the claimed invention.

Furthermore, the Office Action at page 3 implies that *TechShopper* discloses a request for quote (RFQ). Applicants respectfully traverse. Applicants refer to *TechShopper*, paragraphs 3, 4, and 6, which states in part:

TechShopper enables buyers to research and compare products from the most comprehensive database [having] detailed specifications **and prices**.... [B]uyers **search PCAgent's database for the system that best matches** their individual needs.... "The PCAgent service provides an easy-to-use **selection method** for PC buyers...." Emphasis added.

Thus, as described in the *TechShopper* reference itself, *TechShopper* provides only a database from which buyers may select products of a **fixed price** from the database. The TechShopper mechanism is described only in terms of a buyer searching the database for a product configuration, and the reference fails to disclose or suggest at least that a set of product attributes indicating the customer's configuration are received, or that the buyer may request a quote on the customer-defined product configuration. The reference instead **teaches away** from these elements. Applicants are unable to understand how such a reference is interpreted to disclose an RFQ system where a customer requests a quote on a desired product configuration.

Contrary to what is asserted in the Office Action at pages 3 to 5, the references fail, either alone or in combination, to disclose or suggest at least one element of the claimed invention, and so fail to support an obviousness rejection of these claims under MPEP §2143.

Claims 32-37, 39-42, 45, 54, 59-67

Claims 32-37, 39-42, 45, 54, 59-67 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *TechShopper* and *Luke* in view of "well-known business practices." The rejection of these claims is based on the application of the references discussed above. As shown above, the rejection of independent claims 1 and 56, from which each of these claims depends either directly or indirectly, is improper under the cited references. The cited references fail,

whether alone or in combination, to disclose or suggest at least one element of the invention as recited in the independent claims. Whether or not the cited "business practices" were or were not "well-known" at the time of the filing of the above-referenced patent application, which Applicants do not concede, the cited business practices fail to cure the deficiencies of the cited references with respect to the independent claims. Thus, the independent claims are nonobvious over the cited references and the mentioned business practices. A claim that depends from a nonobvious claim is also nonobvious. MPEP §2143.03. Therefore, Applicants submit that these dependent claims are not rendered obvious by the cited references for at least the reasons set forth above with respect to the independent claims.

Claims 52-53 and 71

Claims 52-53 and 71 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *TechShopper* and *Luke* in view of U.S. Patent No. 5,769,TBD issued to Walker (*Walker*). *Walker* is cited as disclosing tracking transaction documents. Whether or not *Walker* discloses what is asserted in the Office Action, *Walker* fails to cure the deficiencies of *TechShopper* and *Luke* mentioned above. Whether alone or in combination, the cited references fail to disclose at least flexibility constraints corresponding to a product attribute, as recited in the independent claims. Claims 52-53 and 71 dependent from claims 1 and 56, shown above to be nonobvious over the cited references. Because claims dependent from nonobvious independent claims are also nonobvious, Applicants submit that these claims are not rendered obvious by the cited references for at least the reasons set forth above with respect to the independent claims.

Claims 30, 46-50, 57, and 69-70

Claims 30, 46-50, 57, and 69-70 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *TechShopper* and *Luke* in view of U.S. Patent No. 4,992,940 issued to

Dworkin (*Dworkin*). *Dworkin* is cited as disclosing providing a customer with a GUI. Whether or not *Dworkin* discloses a GUI, Applicants note that *Dworkin* suffers the same defects as *TechShopper* and *Luke* mentioned above, and so fails to cure the deficiencies of these references. Whether alone or in combination, the cited references fail to disclose at least flexibility constraints corresponding to a product attribute, as recited in the independent claims. These dependent claims depend from claims 1 and 56, shown above to be nonobvious over the cited references. Because claims dependent from nonobvious independent claims are also nonobvious, Applicants submit that these claims are not rendered obvious by the cited references for at least the reasons set forth above with respect to the independent claims.

New Claims 72-75

Applicants present herein new claims 72-75. Applicants submit that these claims include at least one element not contained in the cited references. Therefore, rejection of these claims under the cited references would be improper.

Conclusion

For at least the foregoing reasons, Applicants respectfully submit that the rejections have been overcome, placing all pending claims in condition for allowance. Such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the above-referenced application.

In the event of shortages or overcharges, please appropriately charge or credit our
Deposit Account number 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date: 8/6/04

Vincent H. Anderson
Vincent H. Anderson
Reg. No. 54,962

12400 Wilshire Blvd., 7th Floor
Los Angeles, CA 90025-1026
Telephone: (503) 439-8778

I hereby certify that this correspondence is being deposited with
the United States Postal Service as first class mail with sufficient
postage in an envelope addressed to Commissioner for Patents,
P.O. Box 107, Alexandria, VA 22313 on:

6 AUGUST 2004
Date of Deposit

DEBORAH L. HIGHAM
Name of Person Mailing Correspondence

[Signature] 8-6-04
Signature Date